

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

EDDLY JOSEPH,

Defendant.

CR 23-25–M–DWM-2

ORDER

United States Magistrate Judge Kathleen L. DeSoto entered Findings and Recommendation in this matter on August 21, 2023. Neither party objected and therefore they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

This Court will review the Findings and Recommendation for clear error.

McDonnell Douglas Corp. v. Commodore Bus. Mach. Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

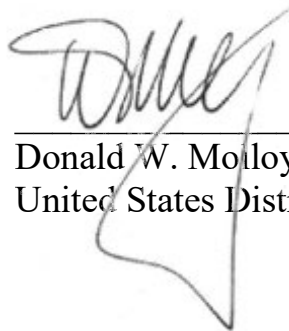
Judge DeSoto recommended this Court accept Eddly Joseph’s guilty plea after Joseph appeared before her pursuant to Federal Rule of Criminal

Procedure 11, and entered his plea of guilty to the charge of wire fraud in violation of 18 U.S.C. § 1343 (Count II), as set forth in the Indictment filed against him. In exchange for Defendant's plea, the United States has agreed to dismiss Counts I and III of the Indictment.

I find no clear error in Judge DeSoto's Findings and Recommendation (Doc. 41), and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing, when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that Eddly Joseph's motion to change plea (Doc. 27) is GRANTED. Eddly Joseph is adjudged guilty as charged in Count II of the Indictment.

DATED this 12th day of September, 2023.

A handwritten signature in black ink, appearing to read 'DMolloy', is written over a horizontal line.

Donald W. Molloy, District Judge
United States District Court